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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,456	08/05/2003	Joe Quint	2360/SPRI.105623	6721

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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER	
PHAM, HUNG Q	
ART UNIT	**PAPER NUMBER**
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/634,456	QUINT, JOE	
	Examiner	Art Unit	
	HUNG Q. PHAM	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2006 has been entered.

Response to Arguments

Claim Rejections - 35 USC § 101

Applicants' arguments with respect to the rejection of claim 1 under 35 U.S.C. § 101 in view of the amendment have been fully considered but they are not persuasive.

Claims 1-8 direct to *one or more tangible computer-readable media* that stores computer-usable instruction. The claimed limitation *tangible computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in paragraph 0024, "communication media" store computer-useable instructions in a modulated data signal. The description of paragraph 0024 has provided evidence that applicant intends the medium to include signals as such the claimed invention is drawn to a form of energy. Energy is not one of the four categories of invention and therefore claims 1-8 are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter.

In light of the foregoing arguments, the rejection under 35 U.S.C. § 101 is hereby sustained.

Claim Rejections - 35 USC § 102

Applicants' arguments with respect to the rejection of claims under 35 U.S.C. § 102 and 103 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 18 is objected to because of the following informalities: ***cable-label records record*** (*cable-label records ~~reeord~~* is respectfully suggested). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claim 1, the claimed limitation, ***automatically, providing a data stream that when rendered by the printing device produces label records***, was not described in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 3 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As recited in claim 1, the claimed limitation, ***automatically, providing a data stream that when rendered by the printing device produces label records displaying content of the identified records in a prescribed format***, is unclear. Particularly, it is unclear whether the clause ***displaying content of the identified records in a prescribed format*** references to ***label records*** or not. In different word, the claimed language cannot be determined ***displaying content of the identified records in a prescribed format*** references to ***label records***, or ***displaying content of the identified records in a prescribed format*** is an independent clause[1].

As recited in claim 3, the clause ***the cable-label records*** as in lines 1-2 references to type of "cable-label records", one are storage component at line 5, and one are produced by printing device at line 1. It is unclear which type of "cable-label records" is being referenced.

As recited in claim 18, the clause ***the cable*** (Line 6) references to other items in the claim. It is unclear what item is being referenced.

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[1] For the purpose of examination, is considered ***displaying content of the identified records in a prescribed format*** as an independent clause.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-8 and 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8 direct to *one or more tangible computer-readable media* that stores computer-usable instruction. The claimed limitation *tangible computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in paragraph 0024, "communication media" store computer-useable instructions in a modulated data signal. The description of paragraph 0024 has provided evidence that applicant intends the medium to include signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore claims 1-8 are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter.

Claims 15-17 direct to a system. The system as recited in the claims comprises software per se. Software per se is not one of the four categories of invention and therefore claims 15-17 are not statutory. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Rojas et al. [USP 6,721,414 B1].

Regarding claim 18, Rojas teaches ***a method of creating cable-label records***, comprising:

storing a set of data related to a cable in one or more computer-readable media (FIG. 11-13);

generating a cable-label records record in a structured format from the set of data (FIGS. 37A-C); and

validating the set of data to remove errors associated with the cable (Rojas further discloses, each time a new component is entered into the cable manager database its type must be selected from a pre-defined list (Rojas, Col. 7 Lines 59-61). In different words, a cable record is validated based on a pre-defined type when storing into the database, and the purpose is to remove errors associated with a cable, e.g., un-matching type when searching as in FIG. 5);

storing the cable-label records record in one or more computer-readable media for subsequent recall (Col. 9 Line 65-Col. 10 Line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady Worldwide (hereinafter referred to as Brady) [LabelMark Labeling Software] in view of Rojas et al. [USP 6,721,414 B1].

Regarding claims 1 and 9, Brady teaches a computer program for performing ***a method of printing label records on a printing device*** (Brady, Page 1). The method comprising:

receiving search criteria for one or more label records, wherein said label records were previously stored in a storage component (Label record were previously stored in a database as disclosed by Brady at page 86, by using filters as illustrated at pages 89-90 search criteria for one or more label records from a selected database is received);

automatically, identifying one or more records in said storage component corresponding to the search criteria (Brady, Page 90);

generating a label file for the one or more records (Pages 19-22);

automatically, providing a data stream (Page 89, the data, e.g., "Zone 1", "A", "101" as *data stream* is imported into label file) ***that when rendered by the printing device produces label records*** (As illustrated at page 75, the label file when printed by the printing device, the labels as in page 71 contain the imported data as *label records* are produced) and ***displaying content of the identified records in a prescribed format*** (Page 89, the

content of the identified records, e.g., "Zone 1", "A", "101" are displayed in a predetermined format, which was defined as in pages 54-55).

The difference between the claimed invention and Brady is data of label records. Brady does not explicitly teach the data of label records is ***cable*** data and the claimed limitation ***cable-label records were validated to remove processing errors when stored.***

However, as taught by Brady, labels can be created from a variety of industrial application (Brady, Page 1), and database file can be imported from various application (Brady, Page 86).

Rojas teaches a cable management system that contains cable records as in FIG. 10-12. Rojas further discloses, each time a new component is entered into the cable manager database its type must be selected from a pre-defined list (Rojas, Col. 7 Lines 59-61). In different words, a cable record is validated based on a pre-defined type when storing into the database, and the purpose is to remove processing errors, e.g., un-matching type when searching as in FIG. 5.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to run the LabelMark over cable data in order to produce a label for a particular identified cable in the database.

Regarding claim 15, Brady teaches ***a system for printing label records on a printing device*** (Col. 13, Lines 15-29). The system comprising:

a user interface operationally coupled to a storage component for receiving a search string to query the storage component for one or more records (Label record were previously stored in a database as disclosed by Brady at page 86, by using filters as illustrated at pages 89-90 search criteria for one or more label records from a selected database is received);

a cable-label records controller that receives the query result and converts the result into a prescribed format (Page 89, the *query result*, e.g., "Zone 1", "A", "101" are received and converted into a predetermined format, which was defined as in pages 54-55) ***whereby the query result can be***

rendered on a printing device (As illustrated at page 75, the label file can be executed by the printing device).

The difference between the claimed invention and Brady is data of label records. Brady does not explicitly teach the data of label records is ***cable*** data and the claimed limitation ***validating one or more records to remove processing errors when the one or more records are stored.***

However, as taught by Brady, labels can be created from a variety of industrial application (Brady, Page 1), and database file can be imported from various application (Brady, Page 86).

Rojas teaches a cable management system that contains cable records as in FIG. 10-12. Rojas further discloses, each time a new component is entered into the cable manager database its type must be selected from a pre-defined list (Rojas, Col. 7 Lines 59-61). In different words, a cable record is validated based on a pre-defined type when storing into the database, and the purpose is to remove processing errors, e.g., un-matching type when searching as in FIG. 5.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to run the LabelMark over cable data in order to produce a label for a particular identified cable in the database.

Regarding claim 2, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Brady further discloses ***the search criteria include at least a first search parameter; and a second search parameter*** (Brady, Page 90).

Regarding claim 3, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 2, by including cable data as discussed above, the illustration at page 89 discloses ***the cable-label records include content that is to be printed on the cable-label records.***

Regarding claim 4, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 3, Rojas further discloses ***said content includes a plurality of identifiers indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note notes*** (Rojas, FIG. 11).

Regarding claim 5, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 3, Brady further discloses the step of ***assembling a query from the first and second search parameters*** (Brady, Page 90).

Regarding claim 6, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Brady further discloses the step of ***searching the storage component against the assembled query for records matching the search criteria and returning the matching records*** (Brady, Page 90).

Regarding claim 7, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Brady further discloses ***the data stream includes an output file*** (Brady, Page 89).

Regarding claim 8, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Brady further discloses ***the prescribed format includes at least one selection from the following: a binary file; an ASCII file; and a text file, including a delimiter*** (Brady, Page 89).

Regarding claim 10, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 9, Rojas further discloses the step of ***receiving indicia related to one or more cable-label records and storing the indicia in the storage component*** (Rojas, FIG. 11).

Regarding claim 11, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 9, Rojas further discloses ***indicia includes a plurality of fields indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note*** (Rojas, FIG. 11).

Regarding claim 12, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 11, Brady further discloses ***the search criteria include at least a first search parameter; and a second search parameter*** (Brady, Page 90).

Regarding claim 13, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 12, Brady further discloses the step of ***assembling a query from the first and second search parameters*** (Brady, Page 90).

Regarding claim 14, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 13, Brady further discloses the step of ***searching the storage component against the assembled query for records matching the search criteria and returning the matching records*** (Brady, Page 90).

Regarding claim 16, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 15, Brady further discloses ***the prescribed format includes at least one selection from the following: an ASCII file; and a delimited text file*** (Brady, Page 89).

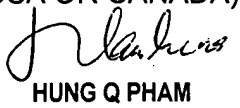
Regarding claim 17, Brady and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 16, Brady further discloses ***the query result comprises all cable-label records that match the search criteria*** (Brady, Page 90).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM
Examiner
Art Unit 2168

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